

## SETTLEMENT AGREEMENT

This agreement made and entered into between the Executive Branch Ethics Commission (hereinafter the "Commission") and Tommy Hayes.

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Tommy Hayes*, Case No. 08-016;

WHEREAS, the Commission is designated by statute as the agency responsible for enforcing the Executive Branch Code of Ethics, KRS Chapter 11A;

WHEREAS, on November 14, 2008, the Commission alleged facts in an Initiating Order that Tommy Hayes violated the Executive Branch Code of Ethics at KRS 11A.010(1)(c) and (d);

WHEREAS, Tommy Hayes pled guilty to three counts of criminal attempt to commit unauthorized reproduction and distribution of recorded article or device for sale or rent, Class A misdemeanors; paid a fine of \$250.00; and received a sentence of twelve (12) months incarceration, probated for a period of twenty-four (24) months.

WHEREAS, Tommy Hayes was at all relevant times mentioned in the Initiating Order a "public servant" as defined in KRS 11A.010(9), and thus is subject to the Executive Branch Code of Ethics; and

WHEREAS, Tommy Hayes indicates his desire to resolve all issues in this action by the execution of a Settlement Agreement.

NOW, THEREFORE, in settlement of the above allegations, the Commission and Tommy Hayes agree, pursuant to KRS 11A.100, as follows:

1. Tommy Hayes admits that he committed a violation of the Executive Branch Code of Ethics at KRS 11A.020 (1)(c) and (d) as stated in the Commission's Initiating Order of November 14, 2008.
2. Tommy Hayes agrees to pay the Commission a civil penalty of two hundred and fifty dollars (\$250.00) within ten days from the date this settlement agreement is executed.
3. Tommy Hayes agrees that upon a Final Order being issued by the Commission that he waives all rights to any further administrative process or appeal pursuant to KRS 13B.140 thereon.
4. The parties further agree that the acceptance of this Settlement Agreement by both parties, and the fulfillment of its express terms, is in full accord and satisfaction

of the herein referenced *Executive Branch Ethics Commission v. Tommy Hayes*, Agency  
Case No. 08-016.

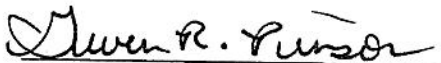
5. This Settlement Agreement constitutes a public reprimand to Tommy Hayes, a copy of which will be provided to his former appointing authority pursuant to KRS 11A.100(3)(c).

IN WITNESS THEREOF, the parties have caused this agreement to be executed:

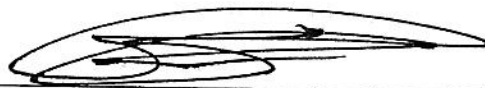
  
Tommy Hayes

11-12-08  
Date

EXECUTIVE BRANCH ETHICS COMMISSION:

  
Chair, Gwen R. Pinson

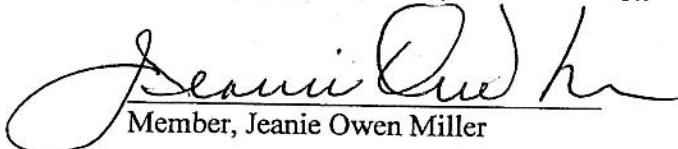
1/23/09  
Date

  
Vice-Chair, Ronald L. Green

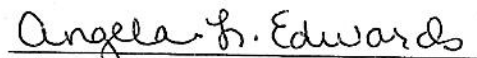
1/23/09  
Date

  
Member, Nicholas Patrick Cambren

1/23/09  
Date

  
Member, Jeanie Owen Miller

1/23/2009  
Date

  
Member, Angela Edwards

1/23/09  
Date